

**Notice of Allowability**

Application No.

10/766,803

Examiner

Sanh D. Phu

Applicant(s)

COUPECHOUX ET AL.

Art Unit

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 5/14/2007.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 5/14/07.

Accordingly, claims 1-15 are currently pending.

### REASONS FOR ALLOWANCE

2. Claims 1-15 are allowed.
3. References 5412654, 6845084, 7046639 and 7006453 are cited because they are pertinent to the claimed invention.
4. The following is an examiner's statement of reasons for allowance:
  - Regarding to independent claim 1, none of prior art of record teaches or suggests a method of selecting of a path to establishing a communication link between a first node and an access point, as claimed. Chari et al teaches the claimed invention except he fails to teach procedures of comparing a second quality measure of a second path from the first node to the access point with the first quality measure of first path from one of second nodes to the access point and selecting the first path to replace the second path if the first quality is superior to the second quality measure, with reasons set forth in REMARKS, pages 8-9, of the Response filed on 1/12/07. It would not have been obvious

for a person skilled in the art to implement Chari et al for leading such the implementation to the claimed invention.

–Regarding to independent claim 7, none of prior art of record teaches or suggests a computer program product of selecting of a path to establishing a communication link between a first node and an access point, as claimed.

Chari et al teaches the claimed invention except he at least fails to teach procedures of comparing a second quality measure of a second path from the first node to the access point with the first quality measure of first path from one of second nodes to the access point and selecting the first path to replace the second path if the first quality is superior to the second quality measure, with reasons set forth in REMARKS, pages 8–9, of the Response filed on 1/12/07. It would not have been obvious for a person skilled in the art to implement Chari et al for leading such the implementation to the claimed invention.

–Regarding to independent claim 8, none of prior art of record teaches or suggests a wireless cellular telecommunication system for communications between a first node and an access point, as claimed. Chari et al teaches the

claimed invention except he at least fails to teach that the system performs procedures of comparing a second quality measure of a second path from the first node to the access point with the first quality measure of first path from one of second nodes to the access point and selecting the first path to replace the second path if the first quality is superior to the second quality measure, with reasons set forth in REMARKS, pages 8–9, of the Response filed on 1/12/07. It would not have been obvious for a person skilled in the art to implement Chari et al for leading such the implementation to the claimed invention.

–Regarding to independent claim 10, none of prior art of record teaches or suggests a wireless cellular telecommunication system for communications between a first node and an access point, as claimed. Chari et al teaches the claimed invention except he at least fails to teach that the system performs procedures of comparing a second quality measure of a second path from the first node to the access point with the first quality measure of first path from one of second nodes to the access point and selecting the first path to replace the second path if the first quality is superior to the second quality measure,

with reasons set forth in REMARKS, pages 8–9, of the Response filed on 1/12/07. It would not have been obvious for a person skilled in the art to implement Chari et al for leading such the implementation to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272–7857. The examiner can normally be reached on M–Th from 7:00–17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Matthew D. Anderson can be reached on (571) 272–4177. The fax phone number for the organization where this application or proceeding is assigned is 571–273–8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PATENT EXAMINER

5/31/07

